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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,566	07/30/2003	Bruce Preston Williams	FGT 1697 PA	1565
28549	7590	10/11/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034				VANTERPOOL, LESTER L
ART UNIT		PAPER NUMBER		
		3782		

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/604,566	WILLIAMS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Lester L. Vanterpool	3727

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on July 19, 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>October 24, 2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21 – 27, 29 – 33, 35 – 37 & 40 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boudah (U.S. Patent Number 5143415) in view of Burns (U.S. Patent Number 3734110). Boudah discloses the first pair of support rails (17 & 18); the second pair of support rails (17 & 18) telescopically coupled (14) (See Figure 5) to the first pair of support rails (17 & 18) (See Figures 1, 2 & 5); and at least one pair of pillar members (11) extending from the second pair of support rails (17 & 18) and slidably attached (See Figures 3, 4, 7 & 9) to the pair of sidewalls (1) defining the truck bed of the vehicle (See Column 2, lines 47 – 48) (See Figures 1, 3 & 7); the at least one pair of pillar members (11) substantially longer than the at least one pair of legs (2); the telescoping rack assembly moveable between the retracted position (See Figure 2 / Bottom Figure) and the extended position (See Figure 2 / Top Figure); the telescoping rack assembly in the retracted position (See Figure 2) with at least one pair of pillar members (11) adjacent to the at least one pair of legs (2) (See Figures 1 – 10).

However, Boudah does not disclose the roof rack assembly and at least one pair of legs extending from first pair of support rails attached to the roof of the vehicle.

Burns teaches the roof rack assembly and at least one pair of legs (10) extending from the first pair of support rails (31, 32 & 33) attached to the roof (11) of the vehicle (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly and at least one pair of legs extending from first pair of support rails attached to the roof of the vehicle as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 22, Boudah discloses the telescoping rack assembly (See Figures 1 & 2) in retracted position (See Figure 2 / Bottom Figure) comprising the second pair of support rails (17 & 18) retracted substantially within the first pair of support rails (17 & 18) (See Figure 2).

However, Boudah does not disclose the roof rack assembly. Burns teaches the roof rack (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 23, Boudah discloses the telescoping rack assembly in the extended position (See Figure 2 / Top Figure) comprising the second pair of support rails (17 & 18) substantially extended from the first pair of support rails (17 & 18) (See Figure 2).

However, Boudah does not disclose the roof rack assembly. Burns teaches the roof rack (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 24, Boudah discloses the first pair of support rails (17) and the second pair of support rails (17) having intermediate pair of support rails (18) slidably attached therebetween (See Figure 2).

Regarding claim 25, Boudah discloses the passenger cab (See Figure 1); the roof extending over the passenger cab (See Figure 1); the truck bed with the pair of sidewalls (1) (See Figure 1) extending rearward from the passenger cab (See Figure 1); Boudah discloses the first pair of support rails (17 & 18); the second pair of support rails (17 & 18) telescopically coupled (14) (See Figure 5) to the first pair of support rails (17 & 18) (See Figures 1, 2 & 5); and at least one pair of pillar members (11) extending from the second pair of support rails (17 & 18) and slidably attached (See Figures 3, 4, 7 & 9)

to the pair of sidewalls (1) defining the truck bed of the vehicle (See Column 2, lines 47 – 48) (See Figures 1, 3 & 7); the at least one pair of pillar members (11) substantially longer than the at least one pair of legs (2); the telescoping rack assembly moveable between the retracted position (See Figure 2 / Bottom Figure) and the extended position (See Figure 2 / Top Figure); the telescoping rack assembly in the retracted position (See Figure 2) with at least one pair of pillar members (11) adjacent to the at least one pair of legs (2) (See Figures 1 – 10).

However, Boudah does not disclose the roof rack assembly and at least one pair of legs extending from first pair of support rails attached to the roof of the vehicle.

Burns teaches roof rack assembly and at least one pair of legs (10) extending from the first pair of support rails (31, 32 & 33) attached to the roof (11) of the vehicle (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly and at least one pair of legs extending from first pair of support rails attached to the roof of the vehicle as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Furthermore, Boudah discloses at least one pair of pillar members (11) slidably attached (See Figures 3, 7 & 9) to the pair of sidewalls (1) (See Figures 1, 3 & 7).

However, Boudah does not disclose at least one pair of legs attached to the roof.

Burns teaches at least one pair of legs (10) attached to the roof (11) (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one pair of legs attached to the roof as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 26, Boudah the roof having the front end portion and the back end portion (See Figure 1).

However, Boudah does not disclose the roof with two of the pairs of legs extending therefrom.

Burns teaches the roof (11) with the pairs of legs (10) extending therefrom (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the roof with the pairs of legs extending therefrom as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

However, Burns does not disclose two of the pairs of legs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make two of the pairs of legs, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 27, Boudah discloses the first pair of support rails (17 & 18) extends substantially along the length of the roof (See Figure 1).

Regarding claim 29, Boudah discloses the telescoping rack assembly in the retracted position comprises the second pair of support rails (17 & 18) extending substantially along the length of the roof (See Figure 1).

However, Boudah does not disclose the roof rack assembly. Burns teaches the roof rack (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 30, Boudah the telescoping rack assembly in the retracted position comprises the second pair of support rails.

However, Boudah does not disclose the roof rack comprising the second pair of support rails disposed above the roof.

Burns teaches the roof rack assembly comprising the second pair of support rails (31) disposed above the roof (11) (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly comprising the second pair of support

rails disposed above the roof as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 31, Boudah discloses the telescoping rack assembly in the extended position (See Figures 1 & 2) comprises the second pair of support rails (17 & 18) extending substantially along the length of the truck bed (See Figure 1).

However, Boudah does not disclose the roof rack assembly. Burns teaches the roof rack (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 32, Boudah discloses the telescoping rack assembly in the extended position (See Figures 1 & 2) comprises the second pair of support rails (17 & 18).

However, Boudah does not disclose the roof rack assembly. Burns teaches the roof rack (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly as taught by Burns with the

telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

However, Boudah does not disclose the roof rack assembly comprising the second pair of support rails disposed above the roof.

Burns teaches the roof rack assembly comprising the second pair of support rails (31) disposed above the roof (11) (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack comprising the second pair of support rails disposed above the roof as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 33, Boudah the roof having the front end portion and the back end portion (See Figure 1).

However, Boudah does not disclose the roof with two of the pairs of legs extending therefrom.

Burns teaches the roof (11) with the pairs of legs (10) extending therefrom (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the roof with the pairs of legs extending therefrom as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

However, Burns does not disclose two of the pairs of legs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make two of the pairs of legs, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 35, Boudah discloses the passenger cab (see Figure 1); the roof extending over the passenger cab (See Figure 1); the truck bed (See Figure 1) with the pair of opposing sidewalls (1) extending rearward from the passenger cab (See Figure 1); and the telescoping rack assembly comprising of the first pair of support rails (17 & 18), the second pair of support rails (17 & 18) (See Figure 1), at least one pair of legs (2) (See Figures 1, 2 & 7) and at least one pair of pillar members (11); the second pair of support rails (17 & 18) telescopically coupled (See Figures 1 & 2) to the first pair of support rails (17 & 18), the at least one pair of legs (2) extending from the first pair of support rails (17 & 18) (See Figure 1); at least one pair of pillar members (11) extending from the second pair of support rails (17 & 18) and slidably attached (See Figures 3, 4, 7 & 9) to the pair of sidewalls (1) defining the truck bed of the vehicle; the at least one pair of pillar members (11) substantially longer than the at least one pair of legs (2) (See Figure 1); the telescoping rack assembly moveable between the retracted position (See Figure 2) and the extended position (See Figure 2); the telescoping rack assembly in the retracted position (See Figure 2) with the at least one pair of pillar members (11) substantially adjacent to the pair of leg portions (2) (See Figure 1); the telescoping rack

assembly in the retracted position (See Figure 2) with the first pair of support rails (17 & 18) receiving substantially the length of the second pair of support rails (17 & 18) (See Figures 1 – 8).

However, Boudah does not disclose the roof rack assembly and at one pair of legs extending from first pair of support rails attached to the roof of the vehicle.

Burns teaches the roof rack assembly and at least one pair of legs (10) extending from the first pair of support rails (31, 32 & 33) attached to the roof (11) of the vehicle (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the roof rack assembly and at least one pair of legs extending from first pair of support rails attached to the roof of the vehicle as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 36, Boudah discloses the first pair of support rails (17 & 18) are positioned substantially parallel to each other and generally along the longitudinal axis of the vehicle (See Figure 1).

Regarding claim 37, Boudah discloses the second pair of support rails (17 & 18) are positioned substantially parallel to each other and generally along the longitudinal axis of the vehicle (See Figure 1).

Regarding claim 40, Boudah discloses the telescoping rack assembly (See Figure 1) in the retracted position (See Figure 2) with the at least one pair of pillar members (11) extending from the frontal portion of the pair of sidewalls (1) (See Figure 1); and the telescoping rack assembly (See Figure 1) in the extended position (See Figure 2) with the at least one pair of pillar members (11) extending from the rearward end portion of the pair of sidewalls (1) (See Figure 1).

However, Boudah does not disclose the roof rack assembly. Burns teaches the roof rack assembly (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make roof rack assembly as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 41, Boudah discloses the cab (See Figure 1); the truck bed with the pair of sidewalls (1) extending from the cab (See Figure 1); the cab having the roof with the front portion and the rear portion (See Figure 1); the telescoping rack assembly (See Figures 1 & 2) having the bed rack portion; the bed rack portion slidably attached (See Figures 3, 7 & 9) to the pair of sidewalls (1); the bed rack portion movable between the forward position and the rearward position on the pair of sidewalls (1) (See Figures 1, 3, 4, 7 & 9); the bed rack portion in the forward position adjacent to the cab.

However, Boudah does not disclose the roof rack assembly having the roof rack

portion and the bed rack portion; the roof rack portion attached to the roof in the fixed position extending along the front portion and the rear portion and extending along the roof.

Burns teaches the roof rack assembly (See Figure 1) having the roof rack portion (See Figure 1) and the bed rack portion (See Figure 1); the roof rack portion (See Figure 1) attached to the roof (11) in the fixed position (See Figure 3) extending along the front portion and the rear portion and extending along the roof (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the roof rack assembly having the roof rack portion and the bed rack portion; the roof rack portion attached to the roof in the fixed position extending along the front portion and the rear portion and extending along the roof as taught by Burns with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance multi-functional capabilities.

Regarding claim 42, Boudan discloses the rack portion includes the first pair of support rails (17 & 18) with at least one pair of legs (2).

However, Boudan does not disclose the roof rack portion including the first pair of support rails with at least one pair of legs attached to the front end portion of the roof.

Burns teaches the roof rack portion (See Figure 1) includes the first pair of support rails (31, 32 & 33) with at least one pair of legs (10) (See Figure 1) for the purpose of providing reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the roof rack portion including the first pair of support rails with at least one pair of legs attached to the front end portion of the roof as taught by Burns with the the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance reliability.

Regarding claim 43, Boudan discloses the bed rack portion (See Figure 1) includes the second pair of support rails (17 & 18) with at least one pair of pillar members (11) slidably attached (See Figures 1, 3, 4, 7 & 9) to the pair of sidewalls (1).

Regarding claim 44, Boudan discloses the second pair of support rails (17 & 18) is telescopically attached (See Figures 1 & 2) to the first pair of support rails (17 & 18) (See Figures 1 & 2).

Regarding claims 45, Boudan discloses the second pair of support rails (17 & 18) in the forward position extends over the cab (See Figure 1).

Furthermore, Burns also discloses the second pair of support rails (32 & 33) in the forward position extends over the cab (See Figure 1).

Regarding claim 46, Boudan discloses at least one pair of pillar members (11) in the forward position is adjacent to the cab (See Figure 1).

Regarding claim 47, Boudan discloses the first pair of support rails (17 & 18) receives the second pair of support rails (17 & 18) in the forward position.

3. Claims 38 & 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boudah (U.S. Patent Number 5143415) in view of Burns (U.S. Patent Number 3734110) as applied to claim 35 above, and further in view of Aftanas et al., (U.S. Patent Number 6056176). Boudah discloses the invention substantially as claimed. Boudah discloses the first pair of support rails (17 & 18) having the cross member (17 & 18).

However, Boudah as modified does not disclose the first pair of support rails having at least two cross members extending therebetween.

Aftanas et al., teaches the first pair of support rails (12) having at least two cross members (20) extending therebetween (see Figures 1 & 18) for the purpose of providing durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first pair of support rails having at least two cross members extending therebetween as taught by Aftanas et al., with the telescoping roof rack assembly for a vehicle having a truck bed of Boudah in order to enhance durability.

Regarding claim 39, Boudah discloses the cross members (17 & 18) is adjacent to the pillar members (11) in the retracted position (See Figures 1 & 2).

***Response to Arguments***

4. Applicant's arguments with respect to claims 21 - 47 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLV

  
JES F. PASCUA  
PRIMARY EXAMINER